

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	)	
<b>Hornung et al.</b>	)	
Serial No.: To Be Assigned	)	Art Unit: To Be Assigned
Filed: Herewith	)	Examiner: To Be Assigned
For: <b>SYSTEM AND METHOD FOR</b>	)	Docket No.: 10001395-1
<b>PERFORMING BACKWARD</b>	)	
<b>ERROR RECOVERY IN A</b>	)	
<b>COMPUTER</b>	)	

**DECLARATION UNDER 37 C.F.R. §1.97**  
**BY BRYAN HORNUNG**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

I, Bryan Hornung, declare as true, the following:

1.

I am an inventor of the inventions defined in the pending claims of the above-identified patent application.

2.

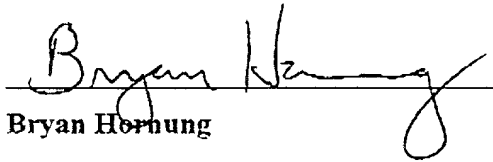
Based on information and belief, I assert that the prior art backward error recovery (BER) system described at page 4, line 9, through page 5, line 9, of the above-identified application was commercially offered for sale at least one year prior to the filing date of the above-identified application. This information is being provided to the U.S. Patent & Trademark Office in a good faith effort to comply with the requirements of 37 C.F.R. §§1.97 and 1.98. It is believed that the information described in the aforementioned portions of the above-identified application is sufficient for the Examiner to determine the relevance and materiality of the commercially offered BER system. However, if the Examiner believes that additional

information is required in order to determine the relevance and materiality of the commercially offered BER system, then the Examiner is invited to request such information. and a good faith effort will be made to comply with the Examiner's request.

3.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**FURTHER DECLARANT SAYETHS NOT.**

  
Bryan Hornung

4/30/2001  
Date

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**ATTORNEY DOCKET NO. 10001395-1

As a below named inventor, I hereby declare that:

My residence/post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**System And Method For Performing Backward Error Recovery In A Computer**

the specification of which is attached hereto unless the following box is checked:

( ) was filed on \_\_\_\_\_ as US Application Serial No. or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above. I acknowledge the duty to disclose all information which is material to patentability as defined in 37 CFR 1.56.

**Foreign Application(s) and/or Claim of Foreign Priority**

I hereby claim foreign priority benefits under Title 35, United States Code Section 119 of any foreign application(s) for patent or inventor(s) certificate listed below and have also identified below any foreign application for patent or inventor(s) certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE FILED	PRIORITY CLAIMED UNDER 35 U.S.C. 119
N/A			YES: _____ NO: _____
			YES: _____ NO: _____

**Provisional Application**

I hereby claim the benefit under Title 35, United States Code Section 119(e) of any United States provisional application(s) listed below:

APPLICATION SERIAL NUMBER	FILING DATE
N/A	

**U.S. Priority Claim**

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NUMBER	FILING DATE	STATUS (patented/pending/abandoned)
N/A		

**POWER OF ATTORNEY:**

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Customer Number **022879**Place Customer  
Number Bar Code  
Label here

Send Correspondence to:  
**HEWLETT-PACKARD COMPANY**  
 Intellectual Property Administration  
 P.O. Box 272400  
 Fort Collins, Colorado 80527-2400

Direct Telephone Calls To:  
**William J. Streeter**  
 (970) 898-3886

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Inventor: Bryan Hornung Citizenship: USResidence: 1108 Creekfield Dr Plano TX 75075Post Office Address: Same as residence

Inventor's Signature \_\_\_\_\_

Date \_\_\_\_\_

**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION (continued)**

ATTORNEY DOCKET NO. 10001395-1

Full Name of # 2 joint inventor: Keith W. Shaw Citizenship: US

Residence: 3229 Dibrell Dr. Plano, TX 75023

Post Office Address: Same as residence

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Full Name of # 3 joint inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Full Name of # 4 joint inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Full Name of # 5 joint inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Full Name of # 6 joint inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Full Name of # 7 joint inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Full Name of # 8 joint inventor: \_\_\_\_\_ Citizenship: \_\_\_\_\_

Residence: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_